

## Message Text

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ORIGIN EB-08

INFO OCT-01 ARA-14 ISO-00 DOTE-00 COME-00 CAB-05  
CIAE-00 DODE-00 INR-07 NSAE-00 FAA-00 L-03 IO-14  
TRSE-00 /052 R

DRAFTED BY EB/OA/AVP:GGRIFITHS:SP  
APPROVED BY EB/OA:MHSTYLES  
ARA/AND/B:DSANDERS  
DOT:RTOENNIESSEN  
COM/BIEPR:EGRAUMAN  
EB/OA/AVP:AJWHITE

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-----060057 191631Z /46  
P 191546Z JAN 78  
FM SECSTATE WASHDC  
TO AMEMBASSY LA PAZ PRIORITY

UNCLAS STATE 014804

E.O. 11652: N/A

TAGS: EAIR, BL

SUBJECT: CIVAIR - USER CHARGES

REF: LAPAZ 0053

1. RECENT ICAO DOCUMENT 9022-C/1015 ENTITLED STATEMENTS  
BY THE COUNCIL TO CONTRACTING STATES ON CHARGES FOR  
AIRPORTS AND ROUTE AIR NAVIGATION FACILITIES SETS FORTH  
ICAO GUIDELINES ON USER CHARGES. PARTICULARLY PERTINENT  
IN CASE AT HAND ARE FOLLOWING ICAO GUIDELINES: A) LARGE  
INCREASES BE PHASED IN GRADUALLY OVER A NUMBER OF YEARS,  
E.G. 3-5 YEARS, B) THAT AIRLINE USERS BE AFFORDED AMPLE  
ADVANCE NOTICE OF INCREASES, E.G. 3-6 MONTHS, IN ORDER  
THAT THEY MAY INCLUDE THE ADDITIONAL EXPENSE IN THE COST  
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BASE USED TO SET FARES, AND C) THAT CONSULTATIONS BE HELD  
WITH USERS TO DEMONSTRATE THE COST JUSTIFICATION AND  
REASONABLENESS OF THE PROPOSED INCREASES IN CHARGES.

2. IN ADDIT-ON TO ICAO GUIDELINES CITED PARA 1 THIS  
MESSAGE, USG ALSO EMPHASIZES THAT USER CHARGES MUST BE  
COST-RELATED, AND MUST BE MON-DISCRIMINATORY, I.E. SUCH

CHARGES SHOULD NOT SEEK TO RECOVER MORE THAN ONE HUNDRED

PER CENT OF THE COSTS OF THE SERVICES PROVIDED, AND THEY SHOULD BE LEVIED IN A NON-DISCRIMINATORY FASHION ON ALL CARRIERS.

3. BRANIFF INFORMS DEPARTMENT THAT IATA HAS BEEN INFORMED OF THE INCREASES, AND THAT AN IATA TEAM PLANS A VISIT SOON TO LAPAZ TO DISCUSS THESE CHARGES WITH GOB.

4. ACTION REQUESTED: EMBASSY SHOULD REQUEST APPROPRIATE BOLIVIAN AUTHORITIES TO DELAY ANY IMPLEMENTATION OF THESE CHARGES UNTIL IATA TEAM VISIT HAS TAKEN PLACE. LOCAL BRANIFF REP MAY HAVE CURRENT INFO RE TIMING OF THIS VISIT. IN DISCUSSIONS WITH GOB OFFICIALS, EMBASSY SHOULD DRAW ON POINTS MADE PARAS 2 AND 3 ABOVE.

5. COMMENT: FAA INFORMS DEPARTMENT THAT IT BELIEVES ANNOUNCEMENT OF LARGE INCREASE IN AASANA AVIATION USER CHARGES STEMS FROM IBRD TWENTY-FIVE MILLION DOLLARS LOAN TO GOB FOR AIRPORT AND AIRWAY IMPROVEMENTS. SOME TIME AGO FAA REVIEWED AND COMMENTED ON THIS LOAN PROPOSAL AND RECALLS THAT TERMS OF THE LOAN REQUIRED GOB TO INCREASE SUBSTANTIALLY ITS AVIATION USER CHARGES IN ORDER TO MEET THE LOAN SERVICE REQUIREMENTS. FAA COMMENTED TO EFFECT THAT THE CONTEMPLATED INCREASE IN USER CHARGES

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SHOULD ADHERE TO ICAO GUIDELINES ON AVIATION FACILITY COST RECOVERY PRESENTED IN ICAO DOCUMENT CITED PARA 1.

6. FYI: EMBASSY SHOULD ALSO BE AWARE OF FOLLOWING: PURSUANT TO THE INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES ACT OF 1974, THE U.S. SECRETARY OF TRANSPORTATION IS REQUIRED TO REVIEW USER CHARGES LEVIED ON U.S. INTERNATIONAL AIR CARRIERS AND DETERMINE WHETHER THEY ARE EXCESSIVE OR OTHERWISE DISCRIMINATORY. DEPT. OF TRANSPORTATION HAS DEFINED AN EXCESSIVE CHARGE AS BEING ONE WHICH EXCEEDS THE PROPERLY ALLOCATED COST OF A FACILITY OR SERVICE PROVIDED. IF SECRETARY OF TRANSPORTATION DETERMINES A SPECIFIC USER CHARGE IS EXCESSIVE, AND SUBSEQUENT NEGOTIATIONS TO REMOVE THE DISCRIMINATION FAIL, HE IS REQUIRED TO REQUEST THE SECRETARY OF TREASURY, SUBJECT TO DEPARTMENT'S CONCURRENCE, TO ASSESS A COMPENSATORY CHARGE ON U.S. OPERATIONS OF AIR CARRIERS FROM THE OFFENDING COUNTRY. DOT INFORMS DEPARTMENT IT PLANS MONITOR CURRENT SITUATION AND AWAIT RESULTS OF IATA VISIT. ALSO, DOT HAS INDICATED IT IS WILLING TO FORWARD PACKAGE OF INFORMATION ON USER CHARGES, INCLUDING COPY OF ICAO

GUIDELINES MENTIONED ABOVE FOR SUBMISSION TO GOB, IF  
EMBASSY BELIEVES THIS WOULD BE HELPFUL. CHRISTOPHER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AIRPORTS, PRICES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 19 jan 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
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**Status:** NATIVE  
**Subject:** CIVAIR - USER CHARGES  
**TAGS:** EAIR, BL, ICAO  
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**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
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20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014